

MINUTES OF REGULAR MEETING APRIL 10, 2017
EASTON PLANNING AND ZONING COMMISSION

Note: These minutes, prepared to comply with Section 1-225 of the General Connecticut Statutes, is an approximate record of matters discussed and actions taken by the Commission at the meeting, but has not yet been reviewed by the commission for accuracy or completeness and is therefore subject to change or correction.

Chairman, Robert Maquat, called the meeting to order at approximately 7:07pm.

Regular Members present: Robert Maquat and Wallace Williams

Regular Member absent: Milan Spisek and Robert DeVellis

Alternate Members present: Ross Ogden and Raymond Martin

For the record: The Chairman noted that Alternate Member Ross Ogden was recently appointed by the Board of Selectmen at its meeting of April 6, 2017 as a Regular Member; the Chair also noted that there was a new Alternate Member appointed at that meeting, Alison Sternberg. It was noted that Alison Sternberg could not vote until she is sworn in by the Town Clerk's Office. The Chairman appointed Alternate Member Raymond Martin to vote in absence of Milan Spisek.

ADMINISTRATIVE AND OTHER MATTERS:

3. In accordance with Section 5.14.6 B of the Easton Regulations, request for exception of up to a 50 foot segment of a driveway for a grade exceeding 12%, not to exceed 15%, for a driveway located at 115 Honeysuckle Hill Lane, Easton, CT. Present at the meeting was Joseph Giacobbe, applicant and contractor for the owner, Margaret Mary Kane. The Chairman noted the letter of request received April 5, 2017 from Joseph Giacobbe as well as the drawing entitled "Improvement Location Survey Prepared For Margaret Mary Kane, 115 Honeysuckle Hill Lane, Easton Connecticut", dated December 16, 2015, last revised 04-04-2017, prepared by Land Surveying Services, LLC. The Chairman also noted Section 5.14.6 B of the Regulations. Motion was made by Robert Maquat, seconded by Wallace Williams, to approve the request for exception for a 50 foot segment of the driveway to exceed 12%, but not more than 15%, and find the request to be in compliance with Section 5.14.6 B of the Regulations, as depicted on a map entitled Improvement Location Survey Prepared For Margaret Mary Kane, 115 Honeysuckle Hill Lane, Easton Connecticut", dated December 16, 2015, last revised 04-04-2017, prepared by Land Surveying Services, LLC. The vote was unanimous, 4-0, motion carried.
2. Review of draft "Supplement to the Letter of Understanding" – 33 Norton Road, property owned by Nathan Brito. The Commission received a draft Supplement letter dated April 4, 2017 from Attorney Daniel Silver regarding the 33 Norton Road property owned by Nathan Brito. Various e-mails from neighbors as well as the most recent e-mail dated April 7, 2017, from Rajeev Chenattu were also distributed to the Commission. The Chairman noted the August 27, 2012 "Letter of Understanding" signed by Nathan Brito regarding 33 Norton Road. Commissioner Wallace Williams questioned the activities being conducted at 33 Norton Road and whether the Supplement to the Letter of Understanding" fully addressed the concerns of the neighbors; he suggested the Commission get input from Phillip Doremus, the Zoning Enforcement Officer. Commissioner Ross Ogden also stated the Commission should get more clarity from Phillip Doremus as to what is being kept there overnight and whether it was supporting an activity. The Chairman will contact the Zoning Enforcement Officer.

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ADMINISTRATIVE AND OTHER MATTERS:

5. Correspondence: The Land Use Director briefly discussed correspondence received via e-mails from Ray Vergati of Homeland Towers, LLC Re: Proposed Wireless Telecommunications Facility, located at Town-owned property on Morehouse Road Tract, Easton, CT, received Friday, April 7, 2017. The Land Use Director stated that Homeland Towers, LLC would be submitting an application to the Siting Council and suggested sending a letter. The Secretary noted that Mr. Vergati had requested a copy of the 8-24 Referral response from Planning and Zoning dated September 9, 2014 and that it had been forwarded to him. The Chairman stated that the Commission could reiterate the study conducted by them once notice is received from the Siting Council after the application is submitted by Mr. Vergati.

PUBLIC HEARING:

Special Permit Application, SP-17-01, Affordable Accessory Apartment, per Zoning Regulations 4.3.14, 7.8 and 7.2, Michael F. Linnane Jr. and Patricia & Matthew N. & Kerry Anne Linnane (owners of record), proposing a two bedroom affordable accessory apartment to be located above an existing three bay garage at 101 Burr Street, "Site Plan Prepared For Michael F. Linnane Jr., Patricia Linnane & Matthew N. Linnane & Kerry Anne Linnane, 101 Burr Street, Easton, Connecticut, December 12, 2002", last revised 1/31/2017, prepared by Mark A. Ochman, P.E., Licensed Land Surveyor, Ochman Associates, Inc. The Chairman noted the legal notice for the meeting. The Land Use Director displayed the site plan for the application and described the application.

The Chairman took note of the following items for the record:

1. Two page document entitled "Linnane Application For Affordable Accessory Apartment, 101 Burr Street, Easton, CT 06612".
2. Photo of exterior lighting indicating lighting is pointed downward.
3. Certificate of Occupancy for the Residence at 101 Burr Street.
4. Application for Affordable Accessory Apartment with attachments (nine pages in total).
5. "Site Plan Prepared For Michael F. Linnane Jr., Patricia Linnane & Matthew N. Linnane & Kerry Anne Linnane, 101 Burr Street, Easton, Connecticut, December 12, 2002", last revised 1/31/2017, prepared by Mark A. Ochman, P.E., Licensed Land Surveyor, Ochman Associates, Inc.
6. Septic System As-built for 101 Burr Street, Easton Conn., Sept. 19, 2003 prepared by Ochman Associates, Inc., Engineers & Surveyors, 208 Adams Road, Easton, CT.
7. Architectural drawings entitled "Renovations To The Linnane Residence, 101 Burr Street, Easton, CT" (9 drawings in all).
8. Comments from the Health Officer, Polly Edwards, dated 4-4-17.
9. Comments from the Conservation/Inland Wetlands Commission, Dori Wollen, Chair, dated March 30, 2017.
10. Comments from the Easton Chief of Police, Timothy Shaw, dated 3-9-17.
11. Comments from the Building Official, Anthony Ballaro, dated 3-3-17.
12. Two page memo from Elisabeth & Ward Burns, 94 Burr Street.

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PUBLIC HEARING (continued)

Special Permit Application, SP-17-01, Affordable Accessory Apartment (continued)

Present at the meeting were Michael Linnane, Pat Linnane & Matthew Linnane. Mr. Linnane stated that the connection to the house already exists as shown on the plans submitted. The Land Use Director, John Hayes addressed the connection of the apartment to the house and stated that it was properly connected by an enclosed room with a stair; he also referred to the comments from the Building Official, Anthony Ballaro.

A question was raised as to the square footage of the proposed apartment; Mr. Linnane noted that it was 933SF. The Secretary noted that the maximum was 1,000SF.

The Chairman declared the public hearing closed.

Chairman Maquat moved to approve the Special Permit Application, SP-17-01, Affordable Accessory Apartment, Michael F. Linnane Jr. and Patricia & Matthew N. & Kerry Anne Linnane, incorporating the noted comments from Town Officials and in accordance with Section 7.2.1 of the Regulations made the following findings.

- A. The proposed use, 2 bedroom accessory apartment, will be consistent with the purposes of these Regulations and will serve a community need or convenience.
- B. The site location in relation to the streets providing access to it, and the nature, scope, size and intensity of the buildings, structures, parking uses and activities proposed will be in harmony with the appropriate and orderly development of the adjacent neighborhood and will not impair the natural environment of the nearby area or the community.
- C. The location, nature, bulk and height of proposed improvement, buildings, structures, walls and fences, and the nature and extent of landscaping, screen planting and exterior illumination on the site, are all such that the use will not hinder or discourage the appropriate use and development of the adjacent land and buildings nor impair their value.
- D. The proposed use will not result in excessive vehicular traffic in such manner as to disturb the peace and tranquility of nearby residents.
- E. Streets and other rights of way serving the site is adequate to safely accommodate all traffic destined for the site and will not contribute to congestion or unsafe conditions in the neighborhood.
- F. On-site parking two additional spaces provided as it relates to this application, is adequate in capacity to accommodate the maximum parking need.
- G. Water supply sewage treatment, waste management, stormwater control, convenient access for fire, police and emergency medical services and all utilities, will be adequate for proposed use.
- H. The conversion of the building for the affordable accessory apartment is safely adapted to the proposed use.
- I. The proposed development and use will be compatible and in harmony with protection of the Town's natural environment.

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Motion for Special Permit Application, SP-17-01, Affordable Accessory Apartment (continued)

As part of the motion, the Chairman referenced the "Site Plan Prepared For Michael F. Linnane Jr., Patricia Linnane & Matthew N. Linnane & Kerry Anne Linnane, 101 Burr Street, Easton, Connecticut, December 12, 2002", last revised 1/31/2017, prepared by Mark A. Ochman, P.E., Licensed Land Surveyor, Ochman Associates, Inc. which must be filed in the Easton Land Records, the annual renewal of the apartment for affordability, as well as the documents which must be filed in the Land Records: the "Certificate Concerning Rental Of Rental Unit", the "Supplement to Certificate Concerning Rental of Rental Unit: Tenant Income and Owner Occupancy" and the "Restriction Concerning Rental Of Portion Of Premises For Affordable Housing". The motion was seconded by Ross Ogden. The vote was unanimous, 4-0, motion carried.

ADMINISTRATIVE AND OTHER MATTERS:

5. Correspondence: The Chairman noted a request from Katherine and Ralph Kuhn, 24 Mills Lane, dated April 6, 2017, had been received and suggested it be added to the agenda.

ADDED TO THE AGENDA: Motion was made by Robert Maquat, seconded by Raymond Martin, to add to the agenda the discussion of the request from Katherine and Ralph Kuhn, 24 Mills Lane. The vote was unanimous, 4-0, motion carried.

The Chairman read the request dated April 6, 2017 from Katherine and Ralph Kuhn, 24 Mills Lane. On motion by Chairman Robert Maquat, seconded by Ross Ogden a 30 day extension of the time period to complete the construction of the new dwelling at 24 Mills Lane was granted to Katherine and Ralph Kuhn. (The extended deadline of the project is now June 6, 2017.) The vote was unanimous, 4-0, motion carried.

Commissioner Wallace Williams noted that the Appraisal for 17 Adirondack, LLC for the fee-in-lieu-of open space had been received and asked that its discussion be added to the agenda.

ADDED TO THE AGENDA: Motion was made by Robert Maquat, seconded by Wallace Williams, to add to the agenda the discussion of an appraisal received for 17 Adirondack, LLC, for establishment of the fee-in-lieu of open space, entitled "Appraisal of Real Estate Owned by Joseph Daniel Birarelli, Located At Harvester Road, Assessors map 5512A & 5513B, Lot 21, Easton Connecticut". The vote was unanimous, 4-0, motion carried.

Commissioner Wallace Williams noted that the assessment of the property was higher than the valuation given in the appraisal. The Commission will review the content of the appraisal and discuss at the next regular meeting, April 24, 2017.

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ITEMS CONTINUED FROM PREVIOUS MEETINGS :

1. Continued review of update of proposed Draft Zoning Regulations – Final comments to be submitted to Glenn Chalder. The Commission discussed comments regarding pages 63 through page 66. Discussion was held to delete Section 5620 and delete references to renewal requests. Discussion was held to increase the days of events from 12 to 20 days in a calendar year. Discussion was held regarding the requirement for a zoning permit for indoor activities and a special permit for outdoor activities. Discussion was held regarding the minimum acreage required for Farm Brewery or Winery, 25 acres or 50 acres. Discussion was held regarding acreage requirement for ingredients, five acres, for Farm Brewery and for Farm Winery, the CGS Section 30-16 (5) which requires that any wine produced contain not less than 25% of the fruit used in the manufacture of the farm winery permittee's wine. The Commission will discuss with Glenn Chalder.

Commissioner Wallace Williams asked that the Commission consider under Section 5200, Accessory Apartment, of having the requirement of a family or elderly component of for allowing accessory apartments to reduce tax burden. Discussion was held regarding the marginal cost of having additional students as it relates to fixed costs.

ADMINISTRATIVE AND OTHER MATTERS:

1. Minutes of Regular Meeting March 27, 2017 - Motion was made by Raymond Martin, seconded by Ross Ogden, to approve the Minutes for the Regular Meeting of March 27, 2017 for the Easton Planning and Zoning Commission as filed. The vote was unanimous, 4-0, motion carried.
2. Update of Town Plan of Conservation and Development 2006 – Town Plan Policy Recommendations. There was a brief discussion of having a modest Village Center with proper planning. This item will be discussed at a future meeting.

At approximately 9:50pm, motion was made by Wallace Williams, seconded by, Ross Ogden to adjourn the meeting. The vote was unanimous, 4-0, motion carried.


Margaret Anania, Recording Secretary